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December 19, 2003

Vernon A. Williams
Secretary
Surface Transportation Board
The Mercury Building
1925 K Street, NW #700
Washington, DC 20423

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Office of Proceedings

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Public Record



Re: Section 5a Agreement No. 61 (Sub-No. 6)
National Classification Committee—Agreement

Notice Of Interim Compliance With Approved
Section 5a Procedures

Dear Secretary Williams:

By order served December 10, 2003, and effective December 20, 2003, the Surface Transportation Board has granted summary approval of the National Classification Committee's (NCC) revised Section 5a Agreement. Currently, a meeting of a NCC Classification Panel is scheduled to take place on February 3, 2004. Involved are some 21 classification proposals which have been processed in accord with the formerly applicable classification procedures. Inasmuch as it is not possible to handle those matters under the new guidelines because of the approved timelines, the NCC wishes to advise the Surface Transportation Board of the steps taken to comply with the spirit and intent of the agency's recent decision.

The NCC will provide the opportunity for arbitration as to any matters considered by the Classification Panel at the February 3 meeting. Transportation Arbitration And Mediation, PLLC officially commences business on January 1, 2004, and is prepared to offer its services. A list of arbitrators will be obtained, and as soon as a brief biographical sketch regarding the qualification of each arbitrator is received, it will be promptly posted on the National Motor Freight Traffic Association, Inc.'s (NMFTA) website. Additionally, each participant in a classification proposal to be heard on February 3 will be provided with all the information which will enable the party to seek arbitration, and as to the availability of the public docket.

Vernon A. Williams
December 19, 2003
Page 2

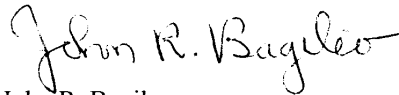
In conjunction with that process, NMFTA already has placed on its website the entire NCC's revised Section 5a Agreement, and will post all staff proposal analyses and review matters by January 16, 2004. Also available at that time will be a public file on each docketed proposal which will include a spreadsheet on the data analyzed and all other required information, including the specified index to the documents. As applicable, the public file will include a copy of the report considered by the NCC that led to the docketing of the proposal. Additionally, reports being considered will be sent to any company that responded to the survey, and trade associations identified as having an interest in the subject matter will be notified. Comments and data received from interested persons will be accepted and considered up to the date of the NCC/Classification Panel meeting, and will be included in the public docket on the involved classification proposal.

The notice to participants in the upcoming docket proposals which will be heard in February will identify a point of contact and telephone number at NMFTA to receive the public docket file, and other relevant information, if they do not have Internet capability.

The current docket will be published on or before January 9, 2004. The time available does not permit canceling the Classification Panel meeting without incurring substantial financial penalties and an unnecessary delay in handling the docketed matters. The NCC believes that the foregoing measures incorporate reasonable steps to bridge the transition required between the applicable procedures under which those classification proposals were handled and the amended procedures effective December 20, 2003.

A copy of the foregoing letter has been sent to all parties of record in this proceeding, and an original and ten copies are provided for the Surface Transportation Board's files.

Respectfully submitted,



John R. Bagileo
Counsel for National Motor Freight Traffic
Association, Inc. and the National
Classification Committee

Cc: Parties of Record
Fritz R. Kahn, Esq.
William W. Pugh, Esq.